

RESPONSE  
US APPLN. NO. 10/791,987

RECEIVED  
CENSUS BUREAU  
U.S. GOVERNMENT

DEC 14 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Montse Llinas-Brunet ) Art Unit: 1654  
Serial No.: 10/791,987 ) Examiner: T. Heard  
Conf. No.: 4958 )  
Filed: 03/03/2004  
For: Hepatitis C Inhibitor Compound  
Docket No.: 13/113

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to the Office Action dated November 16, 2004, setting forth a 1 month period for reply. At page 2 of the office action, the examiner sets forth a restriction requirement in 2 groups:

- I. Claims 1-31, drawn to a composition
- II. Claims 32-38, drawn to a method of use

At page 3, the examiner also requires an election of species.

In response, Applicants herein elect Group I, with compound 105 in Table 1 as the elected species. Claims 1-15, 17, 19, 21-23 and 25-38 read upon this elected species, or its method of use. This election is made with traverse.

Applicants traverse the election of species requirement. Applicants submit that, at the very least, the compounds of formula (I) as depicted in claim 1 constitute a proper Markush Group of compounds as they all share a common substantial structural core and all share a common utility as HCV NS3 protease inhibitors useful for treating HCV infection. Accordingly, Applicants elect a single disclosed species herein on the understanding that this is done only to facilitate

RECEIVED  
CENTRAL FILING UNIT  
DEC 14 2004



Boehringer Ingelheim  
Corporation

To: Commissioner for Patents

Date: December 14, 2004

Fax: 703-872-9306

No. of Pages including cover sheet: 3

RE: 13/113

Enclosed is a response to an office action dated November 16, 2004.

Linda Boland-Covey  
Telephone (203)798-6311  
Telefax (203) 798-4408  
E-Mail lbolandc@rdg.boehringer-ingelheim.com

900 Ridgebury Rd/P.O. Box 368  
Ridgefield, CT 06877-0368

Thank you,  
Linda Boland-Covey

**RESPONSE**  
**US APPLN. NO. 10/791,987**

initial search and examination, but that this application will be generically examined in according with the USPTO's Markush Practice as outline in MPEP 803.02 in the event that the elected species is found to be patentable.

Applicants appreciate the Examiner's acknowledgment (at pg. 4 of the Office Action) that the USPTO's Rejoinder Practice (MPEP 821.04) is applicable to the present application. In the event that the product claims of Group I are found to be allowable, Applicants request that the process (method) claims of Group II be rejoined in the examination under Rejoinder Practice since all these process claims depend from the product claims of Group I.

In view of the above remarks, Applicants respectfully submit that this application is now in condition for early examination. If any points remain at issue which can best be resolved by way of a telephonic or personal interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

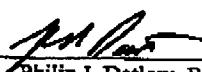
Respectfully submitted,



Philip I. Datlow  
Attorney for Applicant(s)  
Reg. No. 41,482

Patent Department  
Boehringer Ingelheim Corp.  
900 Ridgebury Road  
P.O. Box 368  
Ridgefield, CT 06877  
Tel: (203) 798-4542  
Date: December 14, 2004

Certificate of Transmission  
I hereby certify that this correspondence is being facsimile transmitted to the US Patent and Trademark Office to:  
fax # (703) 872-9306 on December 14, 2004.



Philip I. Datlow, Reg. No. 41,482